## BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

MONICA JANZEN Claimant	)
VS.	Docket No. 204,195
PRAIRIE VIEW INC. Respondent	
AND	}
CINCINNATI CASUALTY COMPANY Insurance Carrier	

## <u>ORDER</u>

Claimant appeals from a preliminary hearing Order dated March 15, 1996. By that Order, Administrative Law Judge Bruce E. Moore granted claimant's request for temporary total disability benefits based upon an average weekly wage of \$47.25.

#### ISSUES

Claimant appeals the finding related to average weekly wage and argues that the average weekly wage should be \$240.

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board has limited authority to review preliminary hearing orders. The Board can review contentions that the administrative law judge exceeded his or her jurisdiction. The Board can review findings and conclusions on issues the legislature specifically identified as "jurisdictional." K.S.A. 44-551 and K.S.A. 44-534a, as amended by S.B. 649 (1996). Other issues and other alleged errors can only be considered on appeal from a final award or order. The amount of claimant's average weekly wage is not an issue specifically identified as jurisdictional. A contention, such as the one made here, that the administrative law judge made an error in determining the amount of the average weekly wage does not equate to a claim the administrative law judge exceeded his or her jurisdiction. Claimant has not raised an appealable issue.

**WHEREFORE**, the Appeals Board finds that this appeal should be dismissed and the preliminary hearing Order dated March 15, 1996 by Administrative Law Judge Bruce E. Moore remains in effect as originally entered.

## IT IS SO ORDERED.

Dated this \_\_\_\_ day of May 1996.

# BOARD MEMBER

c: Frances Hartman, Wichita, KS
D. Steven Marsh, Wichita, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director